S.B. CIVIL MISC. APLICATION NO.19/2007
IN
S.B. CIVIL SECOND APPEAL NO.188/2003
(LRs of Hari Ram vs. Ashok Kumar.)

Date :: 19.02.2007

HON'BLE MR. JUSTICE PRAKASH TATIA

Mr.Dilip Mulchandani, for the applicants.
Mr.R.K. Thanvi, for the respondent.

Heard learned counsel for the parties on an application for extension of time for vacating the suit premises by the appellants-applicants.

The appellants-applicants have submitted an application for extension of time because of reason that this Court while dismissing the appeal of the appellants directed appellants to vacate the suit premises by 31st December, 2006. The appellants did not vacate the suit premises, but sought extension of time which was allowed by this Court by order dated 04th January, 2007 passed in S.B. Civil Misc. Application No.1/2007. Yet another application has been filed by the appellants-applicants on the ground that the appellant No.1 Laxman is seriously sick and all the family members are engaged in taking care of appellant NO.1, therefore, further time may be granted.

Learned counsel for the respondent decree holders has serious objection against granting time because of the reason

that this Court already granted sufficient time to the appellants while dismissing the appeal as back as on 18th November, 2005. At that time almost more than one year time was granted to the appellants-applicants for vacating the suit premises, thereafter one more opportunity was granted to the appellants-applicants and one months time granted.

Since the appellant No.1 is said to be seriously sick but more than 13 months have already been granted to the appellants-applicants, still on humanitarian ground one further opportunity is granted to the appellants-applicants and the decree under challenge may not be executed till 31st March, 2007. For this the respondents NO.2 to 9 shall submit written undertaking before the trial court within a period of two weeks from today, in case the undertaking is not filed by all the respondents No.2 to 9 the decree shall become executable forthwith.

[PRAKASH TATIA],J.

A.K. Chouhan/-